



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben *Raben*
Assistant Attorney General

SUBJECT: Weekly Report for May 1, 2000 - May 5, 2000 —

KEY ISSUES

Elian Briefings: On May 2, staff from the Office of Legislative Affairs, INS HQ, and INS-Miami, are briefing Senator Graham on the intelligence matters related to Operation Reunion, specifically on the possibility of weapons in or around the Gonzalez home in Miami. In addition, OLA has received a request from Chairman Hyde's staff for a bipartisan briefing on Operation Reunion. Staff from OLA is also setting up briefings on the Operation for May 3 for the House and Senate Judiciary staff. (First)

LaBella: On May 2, a hearing is scheduled before the Administrative Oversight and the Courts Subcommittee (Grassley, Chair) of the Senate Judiciary Committee to question Charles LaBella on the documents the Department released on April 20 in response to a Committee subpoena for Department documents in his possession. The hearing was postponed from April 26. A core group of seven responsive documents was delivered to Senate Security on April 20 with a letter requesting limited access to them and no release of their contents pending further discussions between the Committee and the Department this week. A set of the attachments was delivered to Senate Security on April 28 with a letter extending the earlier restrictions, but allowing access by all Members of the Committee and selected staff. (Walter)

Loral/Hughes: A subpoena request for documents was held over in the Judiciary Committee executive business meeting on April 27. We anticipate the subpoena will be on the agenda again at the next business meeting on May 4. Department staff are searching for and reviewing documents related to the waiver issue, which Committee staff have indicated is the Committee's primary interest. (Walter)

Government Reform Hearing on White House E-mail: Assistant Attorney General Robert Raben has been subpoenaed to testify on May 3, at a hearing before the House Committee on Government Reform (Burton, Chair) on issues relating to White House e-mails. Questions submitted by Chairman Burton in preparation for the hearing indicate that the Committee's focus extends as well to Campaign Financing Task Force matters, although the only other witness

currently scheduled before the Committee is an employee of the White House Office of Administration. We will continue to work with Committee staff in preparation for the hearing. (Burton)

Senate Judiciary Committee Inquiry Regarding Elian Gonzalez: On April 29, we produced documents in response to the Senate Judiciary Committee's request regarding the Department's actions in Miami on April 22, to return Elian Gonzalez to his father. The Committee requested the documents by letter dated April 27, in order to prepare for an oversight hearing about this matter then scheduled for May 3. The documents from the Miami Office of the Immigration and Naturalization Service and other Departmental components were provided; the Committee's interest in additional documents is not clear, particularly since they have postponed the hearing indefinitely. (Burton)

THE WEEK AHEAD

Pine Ridge: On May 1, representatives from the Criminal Division, the Office of the Associate Attorney General, and the Office of Legislative Affairs met with staffers for Senators Daschle and Johnson about recent developments at Pine Ridge. (Ho)

Social Security Benefit Fraud: On May 2, the Senate Special Committee on Aging (Grassley, Chair) will hold a hearing on the misuse of beneficiaries' payments by their representative payees. Representative payees are individuals or organizations that have been approved and designated by the Social Security Administration (SSA) to receive a recipient's benefits directly from SSA on the recipient's behalf. The hearing is based on the SSA Inspector General's report on the issue. The Department has provided public information about closed cases (indictments, plea agreements, and/or judgments) in Arizona, West Virginia, and Massachusetts. One of the witnesses will be Theresa King, a former representative payee who was convicted and is now serving time at FCI Tallahassee; another will be one of the victims from the case in West Virginia. The Department is not testifying at this hearing. (Scott-Finan)

Use of Force: On May 3 and 4, the Department will be hosting another conference on strengthening police community relations. ~~The topic of this conference will be examining use of force policy and practice.~~ We anticipate that staff from the offices of Congressmen John Conyers, Danny Davis, and Patrick Kennedy, and Senators Edward Kennedy and Frank Lautenberg will participate. (Scott-Finan)

Guns: Representatives of the Office of the Deputy Attorney General and Office of Legislative Affairs are scheduled to meet with Congressman Jim Greenwood (Rr-PA) to discuss the National Instant Background Check System. (Graupensperger)

The Project on Government Oversight: On May 4, the House Committee on Resources (Young, Chair) will hold an oversight hearing relating to a Qui Tam action under the False Claims Act filed by the Project on Government Oversight (POGO). The United States Attorney in the Eastern District of Texas and an Assistant United States Attorney in that office have been subpoenaed to testify at the hearing, but, based upon our consultation with Committee staff and a recent conference call with the subpoenaed employees, we expect to receive a letter from the Committee today indicating they do not need to appear at the hearing. We have made extensive

efforts over the past few days to accommodate the Committee's needs for information in a way that is consistent with our interests in protecting line attorneys. (Burton)

Terrorism Preparedness: On May 4, the Committee on Transportation and Infrastructure Subcommittee on Oversight, Investigations, and Emergency Management (Fowler, Chair), will hold a hearing on H.R. 4210, the Preparedness Against Terrorism Act of 2000. The bill is intended to address concerns of coordination in the preparedness efforts which have become an issue of great concern to Representative Fowler. (Daley)

Fair Credit Reporting Act: On May 4, the Financial Institutions and Consumer Credit Subcommittee (Roukema, Chair) of the House Banking and Financial Services Committee will hold a hearing on H.R. 3408, a bill to amend the Fair Credit Reporting Act to exempt certain investigative reports from the definition of consumer report. The Department has not been invited to testify. (Ho)

Community Prosecutions: On May 4, the Deputy Attorney General will meet with Congressman Steven Rothman to discuss the Department's community prosecutions programs. Assistant Attorney General Robert Raben will attend the meeting with the Deputy Attorney General. This meeting was previously scheduled for April 11. (Scott-Finan)

Meeting with Congressman Jefferson: On May 4, the Deputy Attorney General is scheduled to meet with Congressman William Jefferson (D-LA) to discuss credit card fraud and the possibility of moving former Congressman Mel Reynolds to a halfway house, closer to his family. Assistant Attorney General Robert Raben will accompany Mr. Holder to the meeting. (Wilson)

Elementary and Secondary Education Act: The Elementary and Secondary Education Act (ESEA) will be debated by the Senate this week. ~~We anticipate that~~ school voucher and gun amendments will be offered. (Scott-Finan)

Nominations: The next hearing on nominations has been noticed for May 9.

On April 27, the Senate Judiciary Committee (Hatch, Chair) held a hearing on the following nominations: Donnie Marshall, to be Administrator of the Drug Enforcement Administration; Phyllis Hamilton, to be a United States District Judge for the Northern District of California; Nicholas Garaufis, to be a United States District Judge for the Eastern District of New York; Gerald Lynch, to be a United States District Judge for the Southern District of New York; and Kent Dawson and Roger Hunt, both to be United States District Judges for the District of Nevada. All of the nominees have received written questions following the hearing.

On April 25, the following nominations were sent to the Senate: Laura Taylor Swain, to be a United States District Judge for the Southern District of New York; Linda Riegle, to be a United States District Judge for the District of Nevada; Daniel Webber, to be a United States Attorney for the Western District of Oklahoma; Jose Antonio Perez, to be United States Marshal for the Central District of California; and Russell John Qualliotine, to be United States Marshal for the Southern District of New York. (Scott-Finan)

THE WEEK IN REVIEW

Attorney General School Visits: On April 28, you visited two Houston, Texas high schools and a law school with Congresswoman Sheila Jackson Lee. Assistant Attorney General Robert Raben accompanied the Attorney General on her visit. The high school events centered around youth violence and gun violence reduction. The law school visit was a pre-law week event which included deans and students from three law schools. (Scott-Finan)

Victims Rights Amendment: On April 27, Senators Kyl and Feinstein, sponsors of S.J. Res 3, withdrew from floor consideration their crime victims' rights constitutional amendment. This came after a week of negotiations by the Department and White House officials with staff of Senators Kyl and Feinstein to try to work out our disagreements on the amendment's language. (Pearlman)

TOPOFF Briefing: On April 27, representatives of the Department and Federal Emergency Management Agency conducted all day briefings on the upcoming TOPOFF Exercise, which is intended to assess the Nation's crisis and consequence management capacity in the event of a domestic weapon of mass destruction event. (Daley)

Hart-Scott-Rodino Act Update: On April 27, the Senate Judiciary Committee (Hatch, Chair) approved S. 1854, legislation to change the reporting threshold and filing fee structure for mergers under the Hart-Scott-Rodino Act, and to make other changes to the Hart-Scott-Rodino process. (Slover)

Pain Relief/Physician Assisted Suicide: On April 27, the Senate Judiciary Committee (Hatch, Chair) approved H.R. 2260, the Pain Relief Promotion Act. (Tanner)

Agribusiness Hearing: On April 27, the Senate Agriculture, Nutrition and Forestry Committee (Lugar, Chair) held an oversight hearing on the impact of agribusiness concentration on producers and consumers. Antitrust Division's Deputy Assistant Attorney General John Nannes testified before the Committee. (Slover)

Reentry: On April 26, representatives of the Offices of the Associate Attorney General, Justice Programs, the Criminal Division and Legislative Affairs met with staff of Congressman John Conyers to discuss issues relating to reentry. This group also met with staff of Senator Biden to discuss reentry on May 1. (Graupensperger)

Meeting with Senator Domenici: On April 26, you met with Senator Domenici, along with ENRD's Assistant Attorney General Lois Schiffer and Deputy Assistant Attorney General James Simon, to discuss some concerns the Senator has about the proposed settlement in Pueblo of Sandia v. Babbitt. This settlement would end litigation regarding a land dispute between the Pueblo and the United States, as well as addressing various access issues that were not the subject of litigation. Staff from the Office of Legislative Affairs also were in attendance at the meeting. (Pearlman)

Worse Case Scenario: On April 24, staff from the Department of Justice, the Environmental Protection Agency and the Office of Management and Budget briefed staff of the House Commerce and Senate Environment and Public Works Committees on a rule proposing a regulation to address public access to information describing the worse possible impact that a release of toxic or flammable chemicals from a facility could have on the nearby populace and environment. (Daley)